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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,443	07/02/2003	Andrew Lawrence Darrow	ORT-1644CIP	8116

27777 7590 03/02/2006  
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EXAMINER
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SWOPE, SHERIDAN

ART UNIT	PAPER NUMBER
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1656

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/617,443

Applicant(s)

DARROW ET AL.

Examiner

Sheridan L. Swope

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Applicant's response, on February 9, 2005 to the Final Rejection of this case mailed November 30, 2005, is acknowledged. It is acknowledged that applicants have cancelled Claims 1-3 and 8-21. Claims 4-7 are pending and are hereby reconsidered.

This application is in condition for allowance except for the following formal matters.

#### ***Oath***

The Oath is objected to because the change of citizenship for Cailin Chen in the Oath/Declaration received June 25, 2004 is not dated. See M.P.E.P. 605.04(a), which states that, any changes made to the Oath/Declaration should be initialed and dated by the Applicants prior to execution. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the Oath or Declaration but will require a new Oath or Declaration (37 CFR 1.64).

It is also noted that the status of parent application US 10/189,099, as pending, is incorrect.

#### ***Drawings***

Figures 1 and 2 disclose protein sequences of more than three amino acids, while Figure 4 discloses nucleic acid sequences of more than 9 residues. However, neither said figures nor the legends thereto provide sequence identifier numbers (SEQ ID NO: ) for said sequences. 37 CFR § 1.821 states that any peptide sequence of four or more amino acids and any nucleic acid sequence of 10 or more residues must be disclosed in the sequence listing and identified in the specification and claims by the corresponding SEQ ID NO: (MPEP 2422). Applicants are

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required to disclose the sequences presented in Figures 1, 2, and 4 in the sequence listing and identify said sequences in the figures and/or the legends thereto by the proper SEQ ID NO:.

### *Sequence Listing*

Applicants are reminded that, any amendments to the sequence listing, in order to add sequences disclosed by Figures 1, 2, and 4 as described above, must be corrected in both the hard copy and the CRF.

### *Specification*

The specification is objected to for containing hyperlinks, for example on page 13. USPTO policy does not permit the USPTO, i.e, via an issued patent, to link to any commercial sites, since the USPTO exercises no control over the organization, views or accuracy of the information contained on these outside sites. Hyperlinks and other forms of browser-executable code, especially commercial site URLs, are not to be included in a patent application. (MPEP 608.01) The specification should be carefully checked and all URLs removed.

### *Closing*

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire TWO MONTHS from the mailing date of this letter.

To insure that each document is properly filed in the electronic file wrapper, it is requested that each of amendments to the specification, amendments to the sequence listing, Applicants' remarks, requests for extension of time, and any other distinct papers be submitted on separate pages.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan L. Swope whose telephone number is 571-272-0943. The examiner can normally be reached on M-F; 9:30-7 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheridan Lee Swope, Ph.D.  
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SHERIDAN SWOPE, PH.D.  
PRIMARY EXAMINER